

REMARKS

Claims 1-4 are all the claims pending in the application.

I. Request for Initialed and Signed PTO Forms-1449

On page 1 of the Office Action, the Examiner acknowledges the Information Disclosure Statements and PTO Forms-1449 filed on October 18, 1999 and March 10, 2000. The Examiner indicated the initialed PTO-1449 forms were attached to the Office Action, however, they were not received therewith. Applicants respectfully request the initialed and signed copies of these PTO Forms-1449.

II. Editorial Amendments to Specification

Applicants have noticed the following typographical errors:

1. Page 8, line 13, "maters" should be "matters."
2. Page 13, line 1, "amnner" should be "manner."

Applicants herein amend the Specification accordingly. The "as amended" paragraphs are set forth above. The amended paragraphs showing the amendments by bracketing and underlining are set forth in APPENDIX A.

III. The Rejection of Claims 1, 3 and 4 under 35 U.S.C. § 102(b)

A. The Examiner's Position

In paragraph 1 of the Office Action, the Examiner rejects claims 1, 3 and 4 under 35 U.S.C. § 102(b) as being anticipated by Mamish (US 5,227,225). The technical basis for the Examiner's position is set forth on pages 2 and 3 of the Office Action and, for the purpose of brevity, is not repeated herein. Essentially, the Examiner asserts that Mamish discloses a masking tape that satisfies each limitation in Applicants' claims 1, 3 and 4.

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Regarding the recitation of "a pressure-sensitive adhesive layer formed on one surface of said polymer film" in Applicants' claim 1, the Examiner reasons that Mamish teaches that the non-woven layer is not a discrete layer (citing column 1, lines 56-62) and, therefore, the pressure sensitive adhesive is formed on the surface of the disclosed polyolefin film.

B. Applicants' Reply

Applicants respectfully traverse this rejection. For the reasons set forth below, Applicants respectfully submit that Mamish does not teach the protective sheets of Applicants' claimed invention.

At column 2, lines 9-14, Mamish states the following:

The nonwoven [fabric], with its apertured discontinuous surface, in turn provides improved anchorage of the adhesive to the film backing in the resulting laminate, in view of the fact that a portion of the adhesive layer is anchored to the polyolefin backing layer.

Therefore, contrary to the Examiner's assertion, Mamish discloses a masking tape having an adhesive on the surface of non-woven backing, with only a portion of the adhesive also anchored to the polyolefin backing layer. Applicants' disclosure addresses such an embodiment on page 9, lines 9-13, as follows:

When the polymer film is provided on only one surface of the non-woven fabric as shown in Fig. 1, the pressure-sensitive adhesive layer is formed on the polymer surface (12) in order to form a smooth pressure-sensitive adhesive layer surface. When the pressure-sensitive adhesive layer is directly formed on the non-woven fabric surface, the pressure-sensitive adhesive layer surface is liable to become rough and thus can only insufficiently prevent the penetration of rainwater, etc.

In accordance with Applicants' claimed invention, the polymer film is interposed between a non-woven fabric and a pressure-sensitive adhesive layer in order to prevent permeation of moisture on a coating film. By forming such a structure, moisture permeated in a non-woven fabric is shielded by a polymer film, thereby preventing moisture from reaching the coating film. Mamish does not teach or suggest such a structure.

For these reasons, Applicants respectfully traverse this rejection and respectfully request the withdrawal thereof.

IV. The Rejection of Claims 1-4 under 35 U.S.C. § 103(a) - Mamish

A. The Examiner's Position

In paragraph 2 of the Office Action, the Examiner rejects claims 1-4 under 35 U.S.C. § 103(a) as being obvious over Mamish. The Examiner acknowledges that Mamish does not teach that the basis weight of the non-woven fabric is from 5 to 100g/m². However, the Examiner maintains that one of ordinary skill in the art would have been motivated to obtain the optimum basis weight through routine experimentation.

B. Applicants' Reply

Applicants respectfully traverse this rejection and submit that the Examiner has not established a prima facie case of obviousness, i.e., the Examiner has not established why one of ordinary skill in the art would have been motivated to use a basis weight of from 5 to 100g/m².

At page 5, lines 9-16, Applicants' specification discloses that the recited basis weight provides for the protection of paint films from colliding matters (dust, dirt, etc.), peeling workability after achieving the desired protection, strength, and wrinkle-free adhesion. Mamish may teach the use of the masking tape disclosed therein with reference to the application of paint to automobiles. Specifically, the Mamish masking tape may be used to cover areas on which paint is not desired. The masking tape is described as providing "cleaner lines of paint." Therefore, Applicants respectfully submit that the Mamish disclosure is not concerned with the

protection of paint films from colliding matters, peeling workability after achieving the desired protection, strength and wrinkle-free adhesion, as in the present invention. Accordingly, Mamish does not provide any motivation to use a fabric having the basis weight recited in Applicants' claims. The Examiner's conclusions appear to be based on the impermissible use of hindsight.

For these reasons, Applicants traverse the rejection and respectfully request the withdrawal thereof.

V. The Rejection of Claims 1-4 under 35 U.S.C. § 103(a) - Shirai

A. The Examiner's Position

In paragraph 3 of the Office Action, the Examiner rejects claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,037,054, issued to Shirai et al ("Shirai"). The Examiner maintains that Shirai discloses a sheet for protecting a paint film or the surface of bodies and parts of automobiles. According to the Examiner, the disclosed sheet has a support and a pressure sensitive adhesive, wherein the support may be plastic films, porous films or non-woven fabrics.

The Examiner concludes that that it would have been obvious to one of ordinary skill in the art to use a support having a plastic film layer and a non-woven fabric layer because Shirai specifically teaches that any appropriate material may be used as a support. The Examiner maintains that "the mere duplication of layers has no patentable significance unless a new and unexpected result is produced." The Examiner also argues that the claimed basis weight of the non-woven fabric and the thickness of the polymer film would have been obvious, absent a showing of criticality in the claimed ranges.

B. Applicants' Reply

Applicants respectfully traverse this rejection.

There is no disclosure in the Shirai reference that teaches or suggests the use of a polymer film and a non-woven fabric.

Moreover, Applicants' claimed invention does not involve "the mere duplication of layers" as suggested by the Examiner but, rather, is based on the combination of different layers. On page 4, lines 19-26, Applicants' specification discloses that neither a non-woven fabric alone nor a film alone provide satisfactory protection of automotive paint films. The combination of the components provide the superior characteristics of Applicants' claimed invention.

Furthermore, even if Shirai could be reasonably interpreted as teaching the combination of a polymer film and a non-woven fabric, the reference does not teach that the pressure sensitive adhesive is formed on the surface of the polymer film (rather than on the non-woven fabric), as recited in Applicants' claim 1. The Examiner's rejection of claims 1-4 appears to be based on an "obvious to try" rationale and the impermissible use of hindsight with the benefit of the teachings in Applicants' specification.

For these reasons, Applicants respectfully traverse this rejection and respectfully request the withdrawal thereof.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/311,753

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



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Serial No. 09/311,753



APPENDIX A

The paragraph on page 8, lines 12-18, is amended as follows:

To achieve a favorable function of protecting paint films against colliding [maters]
matters, a good peeling workability after completion of the aimed protection, a high strength and
good adhesion with no wrinkle due to good follow-up performance to curved surfaces, etc., the
thickness of the polymer film is preferably from 5 to 40 μm , more preferably from 7 to 35 μm
and most preferably from 10 to 30 μm .

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The paragraph bridging page 12, line 27, to page 13, line 7, is amended as follows:

A sheet for protecting paint films of automobiles was obtained in the same [amnner]
manner as in Example 1 except for using a support obtained by laminating a polypropylene film
of 20 μm in thickness on one surface of a non-woven fabric made of polypropylene having a
basis weight of 40 g/m^2 and a polyethylene film of 20 μm in thickness on another surface thereof
and forming a pressure-sensitive adhesive layer on the polypropylene film surface thereof.